

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:05CR235**

**UNITED STATES OF AMERICA**

**VS.**

**RUSSELL FLOYD FRESHOUR**  
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**ORDER**

**THIS MATTER** is before the Court on remand from the Fourth Circuit Court of Appeals for resentencing.

On appeal, the Government conceded that although there was ample evidence at trial that the Defendant distributed large amounts of methamphetamine, the “record evidence only show[ed] that he was responsible for approximately forty grams of *actual* methamphetamine.”

***United States v. Freshour*, 2007 WL 2404491, \*1 (4<sup>th</sup> Cir. 2007).** Before the Court schedules this matter for resentencing, the Probation Office is directed to prepare an addendum to the original presentence report to reflect the amounts of methamphetamine outlined by the Circuit.

In the interim, the Clerk shall notify the Federal Defender to appoint counsel for the Defendant.

**IT IS SO ORDERED.**

Signed: October 2, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

